

**SIDE-BY-SIDE COMPARISON OF EXHIBITS A AND B
TO SUBMISSION RE: PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN (ECF 2598)**

<u>Paragraph of Proposed Orders</u>	<u>PLAINTIFFS' PROPOSAL:</u>	<u>PRINCIPAL DEFENDANTS' PROPOSAL:</u>
2.b Period of Discovery.	<p>As described in more detail, herein, discovery may commence on April 1, 2020, and shall close on July 16, 2021.</p> <p>Exchange of written discovery shall occur between April 1, 2020 to July 30, 2020. <i>See</i> Plaintiffs' Proposal at para. 6, lns. 9-10.</p>	<p>Discovery may commence on entry of this Order, and shall close on October 1, 2022. Written discovery may continue to close of discovery, provided it is served so that a response is due on or before October 1, 2022.</p>
2.c Disclosure of Lay Witnesses.	<p>Lay witnesses shall be disclosed on April 1, 2020 and Parties shall remain subject to the obligation to supplement as required by Rule 26(e)(1).</p>	<p>When and as a party becomes aware of lay witnesses as the matter progresses, the party shall disclose them, and shall remain subject to the obligation to supplement as required by Rule 26(e)(1).</p>
2.d Disclosure of Expert Witnesses.	<p>Expert witnesses shall be disclosed on April 1, 2020 and Parties shall remain subject to the obligation to supplement as required by Rule 26(e)(1).</p>	<p>Expert witnesses shall be disclosed when their expert report is due as provided in paragraph 8 below.</p>
4. Dispositive Motions and Motion Coordination.	<p>For dispositive motions contemplated by Fed. R. Civ. P. 12(c) and 56(a) that do not rely on material exchanged through or subject to discovery, the Parties may file such motions at any time. For such dispositive motions, responses to dispositive or partially dispositive motions will be due ninety (90) days after service, and replies in support of dispositive or partially dispositive motions will be due forty-five (45) days after service.</p>	<p>Motions may be filed at any time. The last date to file dispositive or partially dispositive motions will be 30 days after close of discovery, or October 31, 2022. Responses to dispositive or partially dispositive motions will be due ninety (90) days after service, and replies in support of dispositive or partially dispositive motions will be due forty-five (45) days after service. No page limit will be imposed on a brief to the extent that multiple</p>

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4. (continued)	<p>For dispositive motions that rely on material exchanged through discovery or subject to discovery, the Parties shall only file such motions according to the schedule specified here once discovery is complete:</p> <ul style="list-style-type: none"> a. November 15, 2021: dispositive motions. b. March 1, 2022: responses to dispositive motions. c. April 15, 2022: replies to dispositive motions. <p>Plaintiffs and Defendants potentially have common issues to brief. No page limit should be imposed on a brief to the extent that multiple common issues are incorporated into a single brief. To the extent possible, the Party groups (i.e. Plaintiffs and Defendants) shall separately work as a group to file only one brief on any single dispositive issue or the response thereto.</p>	<p>common issues are incorporated into a single brief filed on behalf of Plaintiffs or Defendants. The provisions of the Local Rules shall apply to page limits for all other motions, unless the Court orders otherwise. The Court recognizes that the scope of this matter, including the number of claims, the number of issues and the number of participating defendants who, to a certain extent, have somewhat differing interests, makes it difficult to require one brief on one issue. Nevertheless, the Plaintiffs and the Principal Defendants will coordinate, to the extent feasible, the filing of motions, the grounds for motions, and briefs supporting motions, and will do their best to file joint motions and joint briefs. There will be no page limit on briefs which address a common issue in a single brief. To the extent that that is not the case, unless the Court orders otherwise, the Local Rules concerning page limits will apply.</p>
6. Written Discovery Requests.	<p>Exchange of written discovery shall occur between April 1, 2020 to July 30, 2020. Objections to any discovery request will be served with responses to written discovery. Written responses and responsive documents will only be withheld based on a claim of privilege or a motion to the Court for protective order.</p>	<p>Written discovery may continue to close of discovery, provided it is served so that a response is due on or before October 1, 2022. <i>See</i> Principal Defendants' Proposed Order at para. 2.b., Ins. 4-5.</p>

<u>Paragraph of Proposed Orders</u>	<u>PLAINTIFFS' PROPOSAL:</u>	<u>PRINCIPAL DEFENDANTS' PROPOSAL:</u>
6.a Interrogatories.	Plaintiffs (as a group) and Defendants (as a group) will coordinate interrogatories to avoid repetition and undue burden on a party in responding to interrogatories. The Parties are entitled to 25 interrogatories that will be prepared and served through coordinating counsel and responded to also through coordinating counsel in accordance with Fed. R. Civ. P. 33. The total number of interrogatories is limited to 25 for each party group (Plaintiffs and Defendants) that are answered by each opposing principal entity (United States and Tribe for Plaintiffs and six principal groups for Defendants). No Party is required to respond to discovery requests beyond the number specified here. In the event 25 interrogatories are exhausted, the Parties may seek amendment of the limits stated here after conferral between coordinating counsel and for good cause.	Plaintiffs (as a group) and Principal Defendants (as a group) will coordinate written discovery to avoid repetition and undue burden on a party in responding to interrogatories. The Principal Defendants, who are represented by a total of seven groups of attorneys, will be limited to a total of 175 interrogatories (25 x 7, for each Principal Defendant group).
6.b Request for Production of Documents and Things ("RFPs").	Plaintiffs (as a group) and Defendants (as a group) will coordinate RFPs to avoid repetition and undue burden on a party in responding to RFPs. The Parties will prepare and serve RFPs through coordinating counsel and responded to also through coordinating counsel in accordance with Fed. R. Civ. P. 34. The Parties will be responsible for producing documents in their possession, custody, and control. For the United States, it will be responsible for producing documents in custody and control of the Department of the Interior/United States Bureau of Indian Affairs as	Plaintiffs (as a group) and Principal Defendants (as a group) will coordinate RFPs to avoid repetition and undue burden on a party in responding to RFPs. The Parties will prepare and serve RFPs through coordinating counsel and responded to also through coordinating counsel in accordance with Fed. R. Civ. P. 34. The Parties will be responsible for producing documents in their possession, custody, and control. For the United States, it will be responsible for producing documents in custody and control of the Department of the Interior/United States Bureau of Indian Affairs as

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6.b (continued)	well as those agencies that have asserted water right claims in the Walker River Basin of Nevada and California. The total number of RFPs should be limited to 25 for each party group (Plaintiffs and Defendants) that are responded to by each opposing principal entity (United States and Tribe for Plaintiffs and six principal groups for Defendants). No Party is required to respond to discovery requests beyond the number specified here. The Parties will be responsible for producing documents in their possession in accordance with Fed. R. Civ. P. 34. In the event 25 RFPs are exhausted, the Parties may seek amendment of the limits stated here after conferral between coordinating counsel and for good cause.	well as those agencies that have asserted water right claims in the Walker River Basin of Nevada and California. The Principal Defendants, who are represented by a total of seven groups of attorneys, will be limited to a total of 175 RFPs (25 x 7, for each Principal Defendant group).
6.c Request for Admissions ("RFAs").	Plaintiffs (as a group) and Defendants (as a group) will coordinate RFAs to avoid repetition and undue burden on a party in responding to RFAs. The Parties will prepare and serve RFAs through coordinating counsel and responded to also through coordinating counsel in accordance with Fed. R. Civ. P. 36. Plaintiffs (as a group) and Defendants (as a group) are entitled to 25 RFAs that will be served through coordinating counsel and responded to also through coordinating counsel in accordance with Fed. R. Civ. P. 36. The total number of RFAs should be limited to 25 for each party group (Plaintiffs and Defendants) that are responded to be each opposing principle entity (United States and Tribe for Plaintiffs and six principal groups for	Plaintiffs (as a group) and Principal Defendants (as a group) will coordinate RFAs to avoid repetition and undue burden on a party in responding to RFAs. The Parties will prepare and serve RFAs through coordinating counsel and responded to also through coordinating counsel in accordance with Fed. R. Civ. P. 36. The Parties agree that RFAs will be served through coordinating counsel and responded to also through coordinating counsel in accordance with Fed. R. Civ. P. 36. The Principal Defendants, who are represented by a total of seven groups of attorneys, will be limited to a total of 175 RFAs (25 x 7, for each Principal Defendant group).

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6.c (continued)	Defendants). In the event 25 RFAs are exhausted, the Parties may seek amendment of the limits stated here after conferral between coordinating counsel and for good cause.	
8. Expert Discovery.	<p>Discovery from experts will be in accordance with the Federal Rules of Civil Procedure. Provided, however, that all expert witnesses shall be required to submit a report consistent with the requirements of Rule 26(a)(2)(B), even if the witness would not otherwise be required to provide such a report and would only be subject to the requirements of Rule 26(a)(2)(C). The parties do not need to produce copies of documents that were previously produced or copies of documents that are publicly available (such as published materials one might find on the Internet, news publications, a public repository, a library – so long as the documents are identified and their specific location is provided).</p> <p>Opening expert reports will be due on August 14, 2020. Responsive expert reports will be due on January 15, 2021. Rebuttal expert reports will be due on April 16, 2021. Expert depositions will take place between April 19, 2021 through July 16, 2021.</p>	<p>Discovery from experts will be in accordance with the Federal Rules of Civil Procedure. Provided, however, that all expert witnesses shall be required to submit a report consistent with the requirements of Rule 26(a)(2)(B), even if the witness would not otherwise be required to provide such a report and would only be subject to the requirements of Rule 26(a)(2)(C). The parties do not need to produce copies of documents that were previously produced or copies of documents that are publicly available (such as published materials one might find on the Internet, news publications, a public repository, a library - so long as the documents are identified and their specific location is provided).</p> <p>Opening expert reports will be due on March 31, 2021. Responsive expert reports will be due on September 30, 2021. Rebuttal expert reports will be due on December 31, 2021. Expert depositions will take place between February 1, 2022 through August 1, 2022. However, if reasonably necessary for purposes of preparing responsive expert reports, with the consent of relevant parties, deposition of such expert witness may commence immediately after the expert witness's opening expert report has been disclosed. If the relevant parties do not</p>

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8. (continued)		consent, the party seeking to take a deposition prior to responsive or rebuttal expert reports may seek leave of Court to conduct such a deposition.
11. Depositions.	<p>Depositions will be taken in accordance with Fed. R. Civ. P. 30 and 31. For any lay witnesses on which Plaintiffs will rely to support water right claims, for any lay witnesses (if any) on which Defendants will rely to support Affirmative Defenses, and for any non-expert persons as contemplated under Fed. R. Civ. P. 30(a), lay depositions may be taken between August 17, 2020 to November 16, 2020. Any remaining lay deposition allowable under Fed. R. Civ. P. 30(a), must be taken no later than July 16, 2021.</p> <p>Expert depositions will be taken in accordance with the schedule set forth in paragraph 8 above.</p> <p>The parties will have the right to depose any identified expert or lay witness. Subject to specific agreement(s) otherwise, depositions will occur in the Reno/Sparks, Nevada, metropolitan area, be taken in a single day, and last for a maximum of 7 hours of testimony. Notices of deposition and subpoenas duces tecum directed to a deponent may be served on coordinating counsel by email 30 days before a scheduled deposition. Costs of lay/expert witness deponents (which include but are not limited to witness travel, expenses, and time spent preparing for and attending the deposition) will be</p>	<p>Depositions will be taken in accordance with Fed. R. Civ. P. 30 and 31. Lay depositions may be taken at any time.</p> <p>Expert depositions will be taken in accordance with the schedule set forth in paragraph 8 above.</p> <p>The parties will have the right to depose any identified expert or lay witness. Subject to specific agreement(s) otherwise, depositions will occur in the Reno/Sparks, Nevada, metropolitan area, be taken in a single day, and last for a maximum of 7 hours of testimony. Notices of deposition and subpoenas duces tecum directed to a deponent may be served on coordinating counsel by email 30 days before a scheduled deposition. Costs of lay/expert witness deponents (which include but are not limited to witness travel, expense, and time spent preparing for and attending the deposition) will be</p>

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11. (continued)	borne by the Party on whose behalf the lay/expert witness will be called. All other costs associated with the depositions (such as rented office space, cost of court reporter, etc.) shall be borne by the Party taking such deposition. For all oral depositions, the Parties request the right of review pursuant to Fed. R. Civ. P. 30(e). The limit in Fed. R. Civ. P. 30(a)(2)(A)(i) of 10 depositions per side will not apply to expert or lay witnesses or to persons who have been identified in initial disclosures or in supplemental disclosures.	borne by the Party on whose behalf the lay/expert witness will be called. All other costs associated with depositions (such as rented office space, cost of court reporters, etc.) shall be borne by the Party taking such deposition. For all oral depositions, the Parties request the right of review pursuant to Fed. R. Civ. P. 30(e). The limit in Fed. R. Civ. P. 30(a)(2)(A)(i) of 10 depositions per side will not apply to expert or lay witnesses or to persons who have been identified in initial disclosures or in supplemental disclosures.